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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,997	11/24/2003	Cris E. Pasto	PAS-5CIP	3390
53317	7590	03/09/2006	EXAMINER	
AQUILLA PATENTS & MARKS, PLLC 221 COE HILL ROAD CENTER HARBOR, NH 03326-3605			CHAN, KO HUNG	
			ART UNIT	PAPER NUMBER
			3632	

DATE MAILED: 03/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/720,997

Applicant(s)

PASTO, CRIS E.

Examiner

Korie H. Chan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-5,7,9,10,12-15,17,19 and 25 is/are allowed.
- 6) ☒ Claim(s) 2,6,8,11,16,18 and 20-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/7/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of group I, claims 1-20 in the reply filed on October 13, 2005 is acknowledged. The traversal is on the ground(s) that examiner has not shown a serious burden. This is found persuasive because the limitations of claims 21-25 are all included in the elected group of claim I, claims 1-20 and therefore will be examined together.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 6, 8, 11, 16, 18, and 21-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claims 2 and 11, paragraph (e), line 1, "at an end of the vehicle" is vague and indefinite as it is not clear whether it is the same "end of the vehicle" as claimed in claim 1, line 3. Regarding claims 6 and 16, "the end fitting comprises" is vague and indefinite as it is not clear whether applicant is referring to the end fitting of the first buttress stand or the end fitting of the second buttress stand or both. Regarding claims 8 and 18, "the buttress stand base" is vague and indefinite as it is not clear whether applicant is referring to the buttress stand base of the first buttress stand or the buttress stand of the second

buttress stand or both. Claim 21 is vague and indefinite as it is not clear as to the recitation "or objects" encompasses. Claim 22, lines 2-3, "the head" lacks proper antecedent basis. Claim 23 is vague and indefinite as it is not clear as to the recitation "or other flexible members" or "similar restraining flexible members" encompasses.

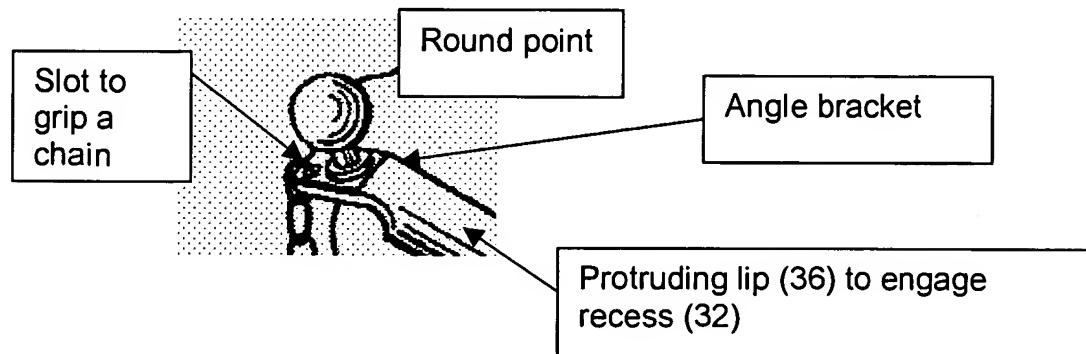
Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 21 is rejected under 35 U.S.C. 102(b) as being anticipated by Muldoon (US patent no. 5,520,030). Muldoon discloses a buttress stand end fitting having all the claimed features of applicant's invention as illustrated below.



Claim 22 is rejected under 35 U.S.C. 102(b) as being anticipated by Lunau et al (US patent no. 5,056,753). Lunau discloses an adjustable turret head buttress stand end fitting (figure 2) comprising means for raising and lowering by turning a collar (55) fixed to a threaded jack shaft (54), wherein the top of the head (31) rotates (about ball joint 38) independently of rotation of the jack shaft.

Claim 23 is rejected under 35 U.S.C. 102(b) as being anticipated by MacKarvich (US patent no. 5,797,226). MacKarvich discloses a pivotal buttress stabilization base plate (10) comprising round holes (26, 28, 30) for engaging stakes (34), preattached straps (62 and 64), an attached link (39) for connecting retraining flexible members.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lanka (US patent no. 6,776,383) in view of MacKarvich (US patent no. 5,797,226). Lanka discloses a pivotal buttress stabilization base plate (20, figure 2) comprising hole (50) for engaging stakes, preattached ratchet straps (43, figure 1), an attached link (42) for connecting retraining flexible members and upright means (14) with means for

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attaching multiple sizes of extension sections (16 and 18). However, Lanka does not disclose plural holes which are rounded for engaging stakes.

MackKarvich discloses a pivotal buttress stabilization base plate (10) comprising round holes (26, 28, 30) for engaging stakes (34), preattached straps (62 and 64), an attached link (39) for connecting retraining flexible members. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modify the base plate of Lanka such that plural stake round holes are provided to facilitate using plural stakes to strengthen ground engagement as taught by MackKarvich.

Claims 2, 6, 8, 11, 16, and 18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claims 1, 3-5, 7, 9, 10, 12-15, 17, 19, and 25 are allowed.

Conclusion


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art of record are cited to demonstrate various buttress stand of general state of the art.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Korie H. Chan whose telephone number is 571-272-6816. The examiner can normally be reached on Monday - Thursday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Korie H. Chan
Primary Examiner
Art Unit 3632

khc
March 1, 2006